

The Hidden Truth About the Qatif Case: Response to "Rape Victim Gets Lashes"

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, the Most Gracious, the Most Merciful.

Recently, the fervently anti-Islamic and secularist newspaper, Arab News, published an article claiming that a rape victim was punished with lashes in Saudi Arabia. The news was immediately picked up by the Western media outlets, including BBC News, and soon the issue became an international affair. The enemies of Islam used this news report as a means to disparage the Muslims by claiming that Islamic law was unjust and barbaric. The heretics (i.e. the Rawaafidh) used the incident as a means to fan the flames of sectarianism, lashing out at the Sunnis of Saudi Arabia, referring to them as "Wahabis". And sadly, many Muslims themselves fell into the trap and believed the lies levied against the Saudi judges (who are Ulema).

Allah Almighty warns the Muslims:

"O you who believe, if a wicked evildoer comes to you with a news report, look carefully into it to verify the truth, lest you harm a people in ignorance and afterwards feel remorseful for what you have done." (Quran, 49:6)

In the time of the Messenger of Allah, the infidels used to spread lies and slander about the Messenger, and they would propagate false news reports in order to create dissension and discord amongst the ranks of the believers. Allah Almighty revealed the above verse so that the Muslims would be cautious of such reports and so that they would prevent the seeds of suspicion from entering into their hearts. Today, the enemies of Islam continue their crusade against Islam, with the Western media at the forefront of the ideological assault on Islam. The Western media has consistently proven itself to be deceitful, biased, and outright wicked; as such, whenever we Muslims hear anything from them, then we should take it with a grain of salt.

The truth is that the media has slandered the good character of the Islamic judges in Saudi Arabia. The entire case has been hyped up and taken dramatically out of context by the West and the lovers of the West (i.e. the secularists within our own ranks). In this article, we shall—with the Help of Allah Almighty—reveal the hidden facts about the case and thereby exonerate Islam from the charges levied against it by the forces of Taghoot.

The Penalty for Rape in Islam

No other religion besides Islam has ever placed such a large emphasis on the protection of women. It is known that the early Muslims even raised an army to bring to justice those who raped a woman; such was the attitude of the Muslims towards the heinous crime of rape. In one of the Prophetic traditions, we read:

...A woman, in the life of the Messenger of Allah, [left her home] intending to go for Prayer [in the mosque] when a man seized her and had sexual intercourse with her, while she let out a scream [for help]. The man fled, and she told a man what had occurred. A group from amongst the Muhaajireen (i.e. the first group of Muslims) were told of this and they chased the man down eventually capturing who they thought it was, and took the man to her. She said that it was the man who did it to her. They took the man to the Messenger of Allah, and asked "who is the man who did this to her"? The man confessed saying, "I am the one who did this to her, O Messenger of Allah!" The Prophet Muhammad said to the woman, "You can leave, for Allah has forgiven you (i.e. absolved you of all sin)!" The Prophet said to the man, "Your words are sound." So he said regarding the man who had raped her, "Stone him."

[Hadith reported by Abu Dawood in his Sunan and Imam at-Tirmidhi in his Sunan, in the chapter "What is said regarding the woman that has been coerced into committing fornication"]

So the one who says that Islam lets rapists go free is a liar, because the Prophet himself sentenced the rapist to stoning. Likewise, the one who claims that rape victims get punished in Islam is also a liar, because the Prophet exonerated victims of all blame, and this 1,400 years ago when it used to be common to blame the woman for such things!

In Islamic Law, the minimum punishment for rape is either stoning (if the perpetrator is married) or one hundred lashes and banishment for one year (if the perpetrator is not married). On top of this, the rapist is to pay a penalty fee in the form of the Mahr. And if the rape involved violence and the threat of weapons, then the rapists can be exiled from the land, have one hand along with one foot cut off, crucified, or killed.

The Saudi based fatwa site, Islam-qa, explains the Islamic Law:

Question: What is the ruling on the crime of rape in Islam?

Answer: Praise be to Allaah.

The Arabic word *ightisaab* refers to taking something wrongfully by force. It is now used exclusively to refer to transgression against the honour of women by force (rape).

This is an abhorrent crime that is forbidden in all religions and in the minds of all wise people and those who are possessed of sound human nature. All earthly systems and laws regard this action as abhorrent and impose the strictest penalties on it, except a few states which waive the punishment if the rapist marries his victim! This is indicative of a distorted mind let alone a lack of religious commitment on the part of those who challenge Allaah in making laws. We do not know of any love or compassion that could exist between the aggressor and his victim, especially since the pain of rape cannot be erased with the passage of time – as it is said. Hence many victims of rape have attempted to commit suicide and many of them have succeeded. The failure of these marriages is proven and they are accompanied by nothing but humiliation and suffering for the woman.

Islam has a clear stance which states that this repugnant action is haraam (forbidden) and imposes a deterrent punishment on the one who commits it...The punishment for rape in Islam is same as the punishment for *zina*, which is stoning

if the perpetrator is married, and one hundred lashes and banishment for one year if he is not married.

Some scholars also say that he is required to pay a *mahr* to the woman.

...The rapist is subject to the *hadd* punishment (stoning or lashes) for *zina*, even if the rape was not carried out at knife-point or gun-point. If the use of a weapon was threatened, then he is a *muhaarib*, and is to be subjected to the *hadd* punishment described in the verse in which Allaah says (interpretation of the meaning):

"The recompense of those who wage war against Allaah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter" [al-Maaidah 5:33]

So the judge has the choice of the four punishments mentioned in this verse, and may choose whichever he thinks is most suitable to attain the objective, which is to spread peace and security in society, and ward off evildoers and aggressors.

And Allaah knows best.

www.islamqa.com

It should be noted that this website is maintained by the same group (i.e. the Saudi Ulema) who are judges in Saudi Arabia. This refutes those who claim that the Saudi judges let rapists go; rather, the penalties for rape in Saudi Arabia (and under the Islamic Law) are far stricter than what happens in the West. Whereas rapists are routinely executed under Islamic Law, we find that—according to the U.S. Department of Justice (Bureau of Justice Statistics)—convicted rapists in America serve only an average of about ten years behind bars. ([source](#)) In England, the matter is even worse, with rapists serving an average sentence of less than four years. ([source](#)) Sandy Brindley, national coordinator of Rape Crisis Scotland, said: "People will be shocked to find out the average sentence for a rapist is five and a half years. They could be out after only three years—and that is concerning." ([source](#))

As for the victim, then Islam says that she is not to be blamed in any way at all. Imam Malik, one of the four greatest jurists of Islam, said:

"The punishment is to be carried out on the rapist and there is no punishment for the woman who has been raped, whatever the case." (Al-Muwatta', 2/734)

Ibn 'Abd al-Barr, one of the classical Islamic scholars, said:

"There is no punishment for the woman if it is true that he forced her and overpowered her, which may be proven by her screaming and shouting for help (and the like)." (Al-Istidhkaar, 7/146)

The Qatif Case

Now that we have reviewed the Islamic Law on such a matter, let us examine the case which has created such an outcry. The truth is that the media has

suppressed most of the facts, twisting the story in such a way with the simple intent of maligning the good image of Islam.

It should be noted that the Qatif girl was having an affair on her husband, and *this* is what she was punished for.

BBC News says

"The woman was initially to be punished for violating strict gender segregation laws in Saudi Arabia, for riding in the car of a man who was not related to her when they were both attacked.

source: http://news.bbc.co.uk/2/hi/middle_east/7112999.stm"

The liars at BBC have endeavored to make it seem as if the woman was simply punished for being in a car of a man; what a boldfaced lie! By this lie, the Western media has made it appear as if the Muslims would punish someone for such a seemingly menial crime. And yet, they have hidden the greatest fact of all, which is that the woman was having an illicit affair on her husband, and at the time of the alleged rape, she was in the car of the man with whom she was having an affair with! The Qatif adulteress confessed to having an affair on her husband, and this is all in her sworn testimony.

Anonymous says

"What do you mean by adultery? Are you accusing the woman of having sex?"

In this article, when we use the word "affair" and "adultery" then we are not referring to the actual sex act (i.e. penetration), but we use these words in the more general sense. The words such as "Zinnah", "adulterous", and "affair" are commonly used to refer to any relationship that threatens the marital oaths. Therefore, we consider the woman to be adulterous who sends nude photos of herself to men that are not her husband, has flirtatious chats with them on the internet, secretly meets up with them behind her husband's back, etc. These crimes may not deserve the Hadd punishment, but they are deserving of the Ta'zeer punishment. To clarify, we cite the following fatwa:

Question: Is zinaa intercourse only?

Answer: Praise be to Allaah.

Zinaa, in Arabic, means immorality, and is used with two meanings in shar': a general meaning and a specific meaning.

The general meaning includes that which carries the punishment (hadd) and that which does not carry it. Islam does not give the name of zinaa only to that which carries the punishment, which is just one of many types of zinaa. Ibn 'Abbaas (may Allaah be pleased with them both) said: "I have never heard any better definition of 'small faults' [al-Najm 53:32] than that which Abu Hurayrah (may Allaah be pleased with him) narrated from the Prophet (peace and blessings of Allaah be upon him): 'Allaah has decreed for every son of Adam his share of zinaa, and there is no way to escape from it. The zinaa of the eye is a glance, the zinaa of the tongue is speaking, and the zinaa of the mind is wishing and hoping; then the private part either acts upon this or it does not.'" (Reported by al-Bukhaari, 11/26; Muslim, 4/2046).

Al-Bukhaari included this hadeeth in a chapter entitled Baab zinaa al-jawaarih doon al-farj (Chapter on the zinaa of faculties other than the private part).

Al-Haafiz Ibn Hajar (may Allaah have mercy on him) said: "Zinaa is not always associated with the private part itself, but may involve other faculties such as the eyes and so on." Ibn Battaal (may Allaah have mercy on him) said: "Looking and speaking are called zinaa because they lead to real zinaa. This is why he said that the private part either acts upon this or it does not"

www.islam-qa.com

Anonymous says

"Are you sure that she was having an illegal sexual affair with another man? This is a very serious charge and what if you are wrong? Do you want to be held responsible for this on the Day of Judgment? Do you not remember the incident of al-Ifk in which certain Muslims were spreading lies that a woman was an adulteress?"

We ourselves do not make any judgment on the woman, but rather it is up to the courts to decide the innocence or guilt of a person. The Qatif woman was tried in a court of law and found guilty of Zinnah (in the general sense of the word). She is a *convicted* Zaani (adulterer). Of course, with any crime, whether it is Zinnah or murder or theft, it is possible that a person is convicted mistakenly. However, this is not relevant to the discussion at hand; the question is: should a *convicted* adulterer be punished according to the Islamic Law? The bottom line point is that the Qatif woman was *convicted* of Zinnah and then she was sentenced based on that. This is a completely different scenario than the incident of al-Ifk; the Prophet's wife (may Allah be pleased with her) was never found guilty of Zinnah in a court of law. Rather, she was found innocent of all charges. If there are merely rumors about a woman committing Zinnah, then of course it is wrong to spread such tales. But if a woman is found guilty in a court of law, then this is a different situation altogether. This is the same with all crimes; it is wrong to accuse anyone of anything if he has not been found guilty in a court of law.

Because she was convicted in a court of law, there is a basis for saying that the Qatif woman was committing Zinnah in the general sense, if not the specific one. The Western media has tried to galvanize its readers by claiming that a woman is to be whipped in Saudi Arabia simply for sitting in a car with a man. This is deliberate obfuscation of the truth. It is like saying that a man divorced his wife just because she chatted on the internet. This sounds astonishingly fickle of the man to do this, but if one were to elaborate and say that his wife was chatting with a man *with whom she was carrying out an illegal affair with*, then nobody would be surprised that her husband divorced her for this. Likewise, when the media declares that a woman was punished simply for being in the car of a man, then this makes the Saudis seem barbaric. But when we elaborate and say that the Saudis punished a woman for being in a parked car *with a man she was having an illicit affair with*, then suddenly this does not seem so outrageous any more.

We Muslims are not like the Westerners who are—with a few exceptions—immoral fornicators and adulterers. Even though their own religious book condemns such things, they themselves are a society which revels in these things. Famous Western researchers, such as Alfred Kinsey and Glass & Wright, found that adultery occurs in 50-80% of all American marriages! And this propensity of Westerners to betray their spouses is one of the causes for their skyrocketing

divorce rates and their broken home syndrome. Al-Hamdu Lillah, our Muslim children are obedient to their parents, and they are not rebellious like the Western children; and who can blame their children for acting that way when their parents are immoral fornicators and adulterers? We can open up their own Bible to point to verses in which God Almighty threatens damnation upon such nations as the people of Sodom; and this will be the end of the Western nations because they have slipped into a state of moral decadence and depravity.

Christian says

"Whipping and stoning, the punishments of you Muslims, is barbaric!"

The Westerners claim that Islam is barbaric for allowing such penalties as stoning and whipping, and yet we find the exact same punishment in their own Bible! We read:

"If a man commits adultery with his neighbor's wife, both the adulterer and the adulteress shall be put to death." (Bible; Lev.20:10, Ezk.16:40, Jn.8:3)

And:

"If a damsel who is a virgin be betrothed unto a husband, and (another) man finds her in the city and lies with her, then ye shall bring them both out unto the gate of that city, and ye shall stone them with stones, that they die — the damsel, because she cried not, being in the city, and the man, because he hath humbled his neighbor's wife; so thou shalt put away evil from among you." (Bible; Deuteronomy 22:23-24)

Is it not strange that the Christians do not take issue with their own Bible, but then create an outcry when we Muslims enforce similar punishments on convicted fornicators and adulterers? In the Qatif case, a woman was betrothed unto a husband, and she was having an affair on him with another man. The Bible, a book that the Christians claim came from God and something that we Muslims also hold to be true,¹ commands death on such people. Therefore, we find that the Westerners have no right to accuse Islam of anything, because it is found in their own books.

The Woman Confessed to Having an Affair

The woman herself confessed to having an affair with that man who was in the car. Even BBC News was forced to report this fact:

Saudi justice officials say a woman who was sentenced to prison and flogging after she was gang-raped has now confessed to an extramarital affair...

It (the Saudi justice ministry) insisted the ruling was legal and that the woman had "confessed to doing what God has forbidden".

..."The Saudi justice minister expressed his regret about the media reports over the role of the woman in this case which put out false information and wrongly defend her," the statement said.

¹ **Editor's (cti) Note:** From the Bible, we hold to be true, only that which is in conformity with the authentic texts of Islam

"The charged girl is a married woman who confessed to having an affair with the man she was caught with."

BBC News

What happened on that night of the alleged rape was that the woman went out in the cover of the night to the corniche to meet her lover. A group of men saw her get into the parked car at that spot. It was this group of men that followed her to the car, and according to the men, they caught her naked and being intimate with her lover.

The woman did not admit to having sex with her lover, but she did admit to be carrying out an affair which went on for many long months. The two lovers admitted to the authorities that they were having an illicit relationship with each other, and this is in their signed and attested confessions. On top of this, the Saudi authorities had proof of the affair in the form of telephone calls, picture exchanges, and other such supporting evidences.

With this evidence against the woman, it was impossible not to punish her under the Islamic Law; and this is not only Islamic Law, but rather it is God's Law, as found in both the Quran (the Final Testament) as well as the previous scriptures such as the Bible.

It is dishonest to state that she was punished simply for being in the car of a man; rather she was punished for being in the car of a man with whom she was having an affair with. There are degrees of "intermingling of the sexes", and the Islamic Law would differ on the punishment depending on the situation. It is incorrect to claim that women are whipped in Saudi Arabia simply for being in a car with stranger men; the author himself has been to Saudi Arabia and knows that this is not the case, and if it were, then there would be similar cases every day! Indeed, if a couple is found dating in Saudi Arabia, then they are given warnings and told to go away by the religious police, or their parents are notified and warned. As such, it is a blatant lie and manipulation to claim that the Qatif woman was lashed for simply being in the car with another man. Rather, she was charged with Zinnah, and we all know what happens in parked cars.

We read:

New Ministry Statement on Qatif Case

JEDDAH, 25 November 2007 — The [Saudi] Ministry of Justice issued a statement yesterday providing more details regarding the charges against a 19-year-old woman who was gang-raped by seven men in Qatif.

The statement, which the ministry says is a response to media scrutiny of the ruling, said that the rape victim confessed to having an illegal affair with the man who was caught with her.

"She went out with him without a mahram, a legal guardian, and exchanged forbidden affairs through the illegal khalwa," the statement said. "They both confessed to doing what God forbids."

The ministry said: "The first verdict of 90 lashes was made according to Shariah. The woman and her husband were convinced and agreed to it on 10/10/1427."

...The ministry also claimed that the woman violated the sanctity of marriage.

"She knows that 'khalwa' with an unrelated man is forbidden by Shariah and by doing this she has broken the sacred matrimonial contract," the statement said.

"The woman mentioned in her signed confession that she called from her husband's house using her cell phone asking for a forbidden 'khalwa' in front of a shopping center," the statement said.

...The ministry claimed the woman was "in a state of indecency, having thrown off her clothes" and the two were abducted in a "dark side of the (Qatif) corniche" by the attackers after they saw the couple in this alleged state of indecency.

Arab News

How deceitful is the Western media: they used flashy headlines such as "rape victim gets lashes" instead of "woman convicted of adultery gets lashes"!

Male is Lashed

The enemies of Islam seek to portray our beautiful religion as sexist, claiming that we discriminate against women. To back this claim, they claim that it is unfair how the Qatif woman received ninety lashes whereas the group of men who allegedly raped her received jail-time only. This argument is completely refuted by the fact (and the hidden truth) that the woman's lover received the same punishment:

The woman's companion was sentenced to 90 lashes.

BBC News

How it is that the liars are exposed for their lies against Islam! How can one claim sexism in this case when the man and woman were both charged with the exact same sentence? And it is well-known that—under the Islamic Law—the punishment for rape is the same for men and women, so how then can anyone claim sexism?

The Men Accused of Rape

Now that we have clarified the punishment of the woman, let us move onto the issue of the men accused of rape, who were sentenced with a few months to five years in prison. The enemies of Islam and the hypocrites ask: "Why is it that the rapists were given such lenient sentences?" Actually, some of the men were sentenced up to ten years (not five) and this is the same as the average sentence given to rapists in America! And it is double the average sentence of rapists in places like England, Scotland, etc. In any case, the reason that the men were not executed under Islamic Law was that there was simply a lack of evidence to charge them with the crime of rape.

The group of men deny raping her. According to them, they caught the Qatif woman in the car with her clothes off. They caught the two lovers in the act, and she was—by her own admission—fearful that the men would inform her husband of her betrayal. This is where the story differs between the woman and the group of men. The woman claims that the men proceeded to gang-rape her. On the other hand, the men claim that she offered herself to them, in exchange for their

promise to keep quiet on her affair. And the men claim that they refused her offer.

What really hurt the woman's case is that she did not go to the police after the alleged rape. In fact, she did not report the case at all, and she remained silent about it for three months. Eventually what happened was that three months later, her husband was sent an anonymous email declaring that his wife had cheated on him on that day, having sex with many men at the corniche. The husband then confronted his wife about the matter, and she confessed to it but told him that she was raped by those men and that it was not consensual. This is when the husband notified the authorities and the case against the group of men was filed.

We read:

The statement [by the Saudi Ministry] claimed that the two victims of the gang rape hid the incident for three months until an e-mail was sent to the woman's betrothed "informing him what happened to his wife, and her betrayal."

Arab News

This fact considerably weakened the woman's case: any woman would claim coercion when her indiscretions were caught by her husband! And this was three months after the event. Even in America, it is important for a rape victim to report the crime within twenty-fours, so that important medical tests can be done to prove that it was a case of rape and not consensual sex. This medical test would document defensive wounds on the hands and nails, wounding of the genitalia, sperm stains, DNA evidence, and the like. Without this evidence, it is impossible—even in the United States—to prove rape. In fact, when the Qatif woman's husband finally reported the crime three months after the event, the Saudi authorities asked her to have some medical tests done in order to gather evidence to support her case, but she herself refused because she knew that so much time had passed that any evidence was long gone.

It is very difficult to prove rape without any medical evidence of force, or any witnesses to the scene of the crime. It becomes a matter of her word against his. What could prevent an angry ex from accusing her former boyfriend of raping her many months ago? The group of men accused of rape deny raping the Qatif woman. They claim that she offered herself to them in exchange for promises of silence; however, none of the men admitted to accepting her offer. A few of the men admitted to witnessing the rape, but none of them admitted to the actual rape. It became a circular accusation, whereby each man claimed innocence and put the blame on the other men. As such, it became impossible to tell which of the men were guilty and which were innocent.

The problem of convicting rapists is not limited to the Muslim world, but rather it is a worldwide dilemma, and this is due to the very nature of rape. It is very difficult to prove coercion. This is a problem experienced by American women as well:

Rape

For women, rape might appear to be an open and shut case; if we do not consent to sex, a rape has been committed. Unfortunately, it is not this simple in the courts. Rape is often very difficult to prove. The lack of consent is one element of proving a rape, but in many states, this is not enough to prove that a rape has occurred.

The common law definition of rape is "sexual intercourse achieved by force or threat of force without consent of the victim". By requiring force or the threat of force, the legal system perpetuates the myth that a rapist is a strange man who jumps from behind the bushes at night. In addition, when there is a force or threat of force requirement, non-physical or non-imminent threats are not enough to prove a rape. As if this does not make proving rape difficult enough, many states also require the proof of "reasonable resistance" on the part of the rape victim.

With the current rules in many jurisdictions, it is difficult for women in an abusive relationship to prove rape because 1) the abuse might be emotional so there might not be physical force or 2) the fear and submission to sex might be due to past violence and not a contemporaneous threat. For example, in *State v. Alston*, a woman broke off an abusive relationship with her boyfriend. The woman saw her abusive ex-boyfriend some time much later and they had sex. Even though the ex-boyfriend did not physically force the woman to have sex, there was implicit threat of force due to past incidents. A lower court convicted the man but he appealed and a higher court reversed the conviction due to a lack of physical force.

Another complexity with the force or threat of physical force requirement is that courts distinguish between offers and threats. The difference might seem clear, an offer makes you better off and a threat makes you worse off. However, sometimes the difference is murky and two cases, demonstrate this. In *Thompson*, a higher court reversed the conviction of a high school principal who told a female senior that she would not graduate unless she "slept" with him. The senior had sex with the principal in order to graduate. According to the higher court, the principal did not threaten the young woman, he offered her something, and that was not sufficient to constitute a rape.

Similarly, in *Commonwealth v. Mlinarich*, a higher court reversed the conviction of a man who had custody of a teenage girl who had previously been in a juvenile detention facility. The man told the girl that he would return her to the facility if she did not have sex with him. She complied. Even though the man was initially convicted, he appealed and the higher court said that he made the child an offer and did not threaten her. Luckily some states have abolished the threat and reasonable resistance requirements, but they are in the minority.

WomenMatter.org

Not a single one of the men admitted to having sex with the Qatif woman, let alone admitting to raping her. As such, it turned into her word against theirs. Without any medical evidence or witnesses to back up her claim, how could the judges sentence a group of men to death? The difficulty in securing rape convictions is a problem not only in Muslim countries but also Western ones. BBC News said in another one of its articles that only 5.6% of alleged rapists were ever convicted by the law:

Rape convictions hit record low

The percentage of reported rapes to lead to convictions in England and Wales has fallen to an all-time low, according to a Home Office study.

The number of rapes reported is rising - but only 5.6% of 11,766 reports in 2002 led to a rapist being convicted.

BBC News

The Indiana Daily says:

Campus rape reports outweigh arrests 43 to 1

Authorities say use of force is difficult to prove

...Rapes often go unpunished because it's difficult for authorities to prove an offender used force.

...Once women do come forward and report, the next issue police face is having enough proof to take the case to court. **The main reason so few men are arrested lies with the difficulty of proving force in a courtroom**, Slone said.

...Collecting evidence remains another problem in attempting to prosecute. Police often don't find out about the crime until much later, Slone said, losing the timely opportunity to collect physical evidence, often bodily fluids. **After about 72 hours, that evidence deteriorates, she said, making it nearly impossible to prove.**

Slone emphasized that women can have the evidence taken at the hospital, which is referred to as a rape kit, without actually reporting the crime to the police. By putting that evidence in what she refers to as the "evidence refrigerator," victims can take their time to decide if they want to press charges. **Without physical evidence, Slone said, the case becomes a "he said, she said" issue.**

"Many cases that we see, the women do not want to go so far as to go to court with it," Slone said. "To point the finger and say 'You did this thing to me.' It's really difficult. Particularly if they know the guy may serve prison time. ... Are they going to bring this guy to prison for X amount of years based on her word?"

Indiana Daily Student News

The American police officer, Sgt. Leslie Slone, says that after 72 hours the evidence for rape disappears and it becomes virtually impossible to prove rape after that. And yet, in the Qatif case, over three months had passed, so are we surprised then when the Saudi courts could not convict the men on charges of rape?

The Qatif woman was caught telling many lies both to the court and to the media; she betrayed her husband and lied to him, etc. So how could the single testimony of an immoral liar and self-confessed adulteress be enough to send nine men to death? Truly it would be a strange country that would send nine men to death without any proof except the single testimony of one woman who has proven herself to be unreliable.

Why Was the Woman's Punishment Doubled?

In the United States, the media becomes the judge, jury, and executioner. It is well-known in the legal community that high profile cases are won before they even get to the courts; whatever version the media wishes to portray will become the dominant story. This is called "spin" in legal parlance. Under Islamic Law, however, the manipulation of cases is not allowed. In Saudi Arabia, it is not

permitted to use the media to manipulate the justice system. If the judges allowed the Qatif woman to do that, then this would become the norm in Saudi Arabia, like it is in America.

The Qatif woman fed a story to the media, covering up important facts such as her affair, and she did all of this in an attempt to put pressure on the courts through the media. Not only this, but she contacted Western media outlets which in turn fired up anti-Islamic leaders who further put pressure on the King of Saudi Arabia to overturn the decision. This Qatif woman betrayed the Muslim Ummah; she made a mockery of Islamic Law, helping to portray it as unjust and barbaric. And for this, her sentence was doubled, and rightfully so. Not only did she commit a crime, but she betrayed her Ummah and made a mockery of Islam, selling her deceitful story to the major media outlets.

However, it should be noted that it was not only *her* punishment which was doubled, but also the punishment of the men. The punishment of the men was raised in order to remove doubts that bias was being shown against the woman, and also because of the dangerous nature of the crime.

Why Was Her Lawyer to be Disbarred?

Abdul-Rahman al-Lahem, the woman's lawyer, is being portrayed as some sort of human rights hero. In fact, he is a traitor to Islam, and the West loves to raise in rank those who betray Islam. Just recently, Salman Rushdie was knighted by the Queen of England, simply because he was a traitor to the Muslims. This is a part of the enmity that still resides in the hearts of the descendants of the Crusaders. Abdul-Rahman used to be a pious Muslim but then he abandoned that course in order to become a secularist, and that is why he will become the sweetheart of the West.

In any case, Abdul-Rahman violated the law and ethics by seeking to manipulate the media in order to put pressure on the justice system. And this is why he should be disbarred. So we condemn him (verbally) based on his religious treachery and we ask him to be disbarred (legally) based on his unethical manipulations of the justice system.

Anonymous says

" If the woman was found guilty of adultery, then why was she not sentenced to death as per Islamic Law? Where in the Shar'iah is there a punishment of ninety lashes? Either she is to be stoned to death or she is not to be punished, but lashing does not make any sense and has no basis in Islamic Law. "

The one who makes such an argument is in fact not capable of expounding Islamic Law, since he does not even know the very basics of Shari'ah. Such a person is reeking of ignorance and has made a complete buffoon of himself! The punishment of death by stoning is one of the Hadd punishments, and it is awarded to only those who complete the sexual act (i.e. penetration). However, for anything less than that, the judges can levy Ta'zeer punishment on the culprit. The Qatif woman admitted to having an illicit relationship with her lover and cheating on her husband, but she did not admit to engaging in the sexual act (i.e. penetration). As such, she cannot be awarded the Hadd punishment since there was no proof of penetration, but because she admitted to lesser than that (i.e. an illicit affair), she should be punished for that. Obviously, the punishment for lesser than that would be a lesser punishment, and this is why she was given lashes instead of death. Under Saudi law, whatever falls short of the sexual act

(such as kissing, necking, fondling, foreplay, etc) is still a punishable offense as stipulated in their penal code, and this has basis in Islamic Law.

Had the Qatif woman admitted to engaging in the sexual act, then she would have been given the Hadd punishment; but because she did not, she was punished for what she *did* admit to (i.e. Ta'zeer). It is the Rawaafidh who have voiced their discontent the most, and we have heard many of them complain that this woman should not have been punished since she did not admit to the actual sex act; yet it should be known that these Rawaafidh are being dishonest, because even in their religion do they believe in Ta'zeer! In Iran, youngsters are routinely punished for 'intermingling' with the opposite sex, by which we mean kissing, necking, fondling, foreplay, etc. Maybe these Rawaafidh should go to the streets of Tehran and do these things to see how the Iranian police and justice system react!

Anonymous says

" You say that there is no evidence that the men committed rape, but we have the confessions of the men themselves!

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None of the men admitted to engaging in the rape themselves. However, during the interrogation, some of the men admitted to having been witnesses to the rape. In other words, all of the men denied that they themselves were a part of the rape, but some of them pointed the finger at others. During the trial, however, these men claimed that they were coerced by the police into "naming names"; it is known that forced confessions have no merit. Under Islamic Law, when a man retracts his confession, then this is enough Shubha (doubt) to weaken its validity in court.

Because the woman failed to report the crime except after three months when her husband found out about her betrayal—and because she refused to take any medical tests—there was no evidence against the men. All that the prosecutor had against them was the accusation of the woman and their confessions against each other. And yet, both the accusation and the confessions had serious problems. The accusation by the woman was tainted by the fact that the men countered her accusation by claiming that she was only trying to cover up her betrayal of her husband; according to them, she was willing to have sex with all of them, and she wanted to cover this up from her husband, lest he think of her as promiscuous and loose. She only made these claims of rape *after* her husband was notified about her betrayal, and before that, she did not utter a single word to the authorities. The men argued that any woman would claim rape if her husband found out about her betrayal.

Unfortunately, the woman weakened her case substantially by failing to notify the authorities except after her betrayal was exposed by her husband. She was engaged in dubious activities, and such a person's testimony could not possibly be used to send a group of men to their death. It is known that she lied to her husband when she left her house on that day, and before that as well when she used to call her lover, and that she lied to her husband many times after the incident for three months, and she was caught in many lies and inconsistencies during the court proceedings, and she even lied to the media; as such, the reality is that a liar's testimony in court is seriously called into question.

The Western media has tried to single out Saudi Arabia, but the reality is that cases like this are tried all the time in America. Oftentimes the only witnesses in drug cases are other criminals; when these criminals testify against the drug

dealers, then they serve as very weak witnesses, because the jury is not inclined to believe a criminal's testimony. If a prostitute witnessed a rape or was herself raped, then she would serve as a very weak witness due to her dubious character, and this is a fact in many trials in the United States! It may be that adulterers are not seen as anything evil in the West, yet to the upright Muslims, a fornicator and adulteress is a very weak witness by virtue of her dubious character. It is not proper that fourteen families lose their sons based on the singular testimony of an adulterous, immoral, dubious, and lying woman.

As for the confessions of the men, then these too were problematic, because none of the men admitted to anything themselves. Instead they pointed the fingers at others, and they claimed that these confessions were forced by the police; the men had been led to believe that if they gave up their own friends then their own punishment could be warded off or at least lessened. So we see that the accusation by the woman and the confessions by the men could not be called impartial, since each benefited from them in some way. Furthermore, the accusation by the accuser cannot stand as proof in court, which goes without saying; and under Islamic Law, retracted and/or forced confessions cannot be used.

The truth is that the woman could not bring forth any proof because she destroyed all such proof by failing to report the crime on time. And she failed to do this because of her own indecencies. It may sound morbid to say, but it is simply the truth. It is similar to the man who robs a bank and is then assaulted by another robber; he cannot report the assault to the police because it will reveal his crime of robbery. Likewise, the Qatif woman could not go to the police about her rape because at that very moment she had been engaging in an illicit affair with a man that was not her husband. It is sad, but it is a reality; and it is one of the very reasons that we should not violate the law or live outside of it, because then we may forfeit many of our rights within that law. That woman had the right to be protected under the law, but she herself willingly forfeited that right in order to cover up her crime.

Anonymous says

" The woman did not admit to having an affair! She said she was not involved with that man, but rather she was involved with that man prior to marriage and he had a compromising photo of her. He had threatened to show that nude photo to her current husband unless she agreed to meet him at that spot of the corniche. She had agreed to the meeting only as a means to retrieve the photo. "

The Qatif woman has lied; the Saudi ministry of justice has clearly stated that she admitted to having an illicit affair:

"The woman in the case is married and has confessed to establishing a relationship in violation of [Islamic] sharia law," the Saudi justice ministry said in a statement.

Al-Jazeera News

And:

On Saturday the Saudi justice ministry said the rape victim was a married woman who allegedly confessed to cheating on her husband.

It said she and her lover had met in his car for a tryst "in a dark place where they stayed for a while".

Al-Jazeera News

It is amazing that the hypocrites would believe an adulterous woman above that of an entire ministry, but this is the state of their extreme bias whereby they would believe in anything so long as it helps them malign the so-called "Wahabis." The woman's claims that she went only to retrieve a photo contradict the reality, because she admitted in the court that she met her lover twice in the same month, once during the first days of Shawwal and another time on that fateful Thursday. Therefore, this does not seem like some sort of emergency meeting for her to take back photos, but rather it seems like an ongoing affair. Furthermore, this has been confirmed by incoming and outgoing phone calls, as well as picture exchanges that had taken place between the woman and her lover. The Qatif woman had sent sexually explicit photos of herself to her lover. We know of only one reason why people do this, i.e. to entice lovers and invigorate their carnal desires!

The woman claimed she was raped "after she had gone to retrieve a photograph of herself from a high school friend after just getting married." (Al-Jazeera News) So why had she sent a compromising photo of herself to that man in the first place? Is this fact not enough to prove that she was involved in an illicit affair with a man she was not married to? Sending nude photos to others is a crime under Islamic Law; does anybody disagree with us on this? If the stubborn hypocrites would contest this fact with us, then do they think it is permissible for a woman to pose for nude pictures and distribute them? This is called pornography and surely this is haram (forbidden) under Islamic Law! The fact that this woman sent a compromising photo of herself to a man who is not her husband is enough to charge her with indecent acts, which justifies her punishment of lashing.

Anonymous says

" Perhaps she did not give the photo of herself to that man willingly, and she was extorted into it. "

How in the world would she get into such a situation? On what basis did the man somehow force her to send nude photos of herself? If the woman replies that he was using her illicit premarital affair with him as a means to get a photo from her, then once again she has admitted to guilt under the Shari'ah and she would be punished for a relationship outside of marriage!

What if the woman had been caught in the sex act? Would she then defend herself by saying that the man had extorted her into that, by threatening to release the photos? Let us imagine a similar scenario in which a man is caught by police whilst trying to rob a bank. When the man is apprehended, he says: "I was forced into robbing the bank by another man who had a picture of me having sex with another woman, and I was fearful that this man would show it to my wife." Would the police suddenly let the robber go? Surely the law does not validate such justifications, otherwise no crime could be punishable! Every single person would claim that he or she was coerced into it. The fact is that the robber was caught at the scene of the crime, just as Qatif woman placed herself in a parked car with another man in a dark and isolated spot.

Even if we believe her story about being extorted, the court cannot simply waive off her crime. If this were the case, then no single case of adultery could ever be brought to the courts, because every defendant would claim that "I didn't want to do such-and-such sexual act with my lover, but he promised to expose me to my husband about our relationship, so I did it." The truth is that if the Qatif woman had never done anything wrong with the lover in the first place, then he could never have extorted her; he was only able to extort her due to her crime with him. If this were not the case, how did she get herself into such a compromising and vulnerable position? If she had been a completely chaste Muslim woman, then she would have been completely loyal to her husband and would have never been involved with the other man at all. But instead she was involved with that man, and—according to her—that man was able to extort her based on this illicit relationship which she either was currently in or had in the past. Either way, she was in some sort of illegal affair punishable by the Shari'ah.

We have to remember that the Saudi judges are acting in accordance to the law, not their personal sentiments. If a crime was committed, then they must punish it according to the law.

Anonymous says

" The woman was gang-raped...is this not enough of a punishment for any crime on her part? "

Unfortunately, the law does not work in this manner. Let us imagine the scenario in which a black man is robbing a bank, and whilst he is doing that, a racist white Ku Klux Klan member catches him and roughs up the black man. In this case, would the law excuse the black man for robbery, on the basis that he already got what he deserved (or worse) from the white man? We find that this is not the case even in the United States of America; the black man would still be punished under the law for his crime of robbery. Meanwhile, the white man would be charged for assault and a hate crime. The two punishments would be handed down separately and independent of each other. One crime does not cancel out another crime. This would create a state of chaos, anarchy, and vigilante justice.

In the Western countries, we find that if a woman murders a rapist or a child kidnapper, then that woman is still tried for murder. Yes, we all sympathize with that woman because we understand her emotions, but nonetheless, the law cannot excuse her for the crime of murder. If the law began to excuse crimes based on justifications, then this would open Pandora's box. The rule of law would disappear and all criminals could claim that their crimes were either justified by the law or that they had already received due punishment in the outside world. Can we imagine a court excusing a man for robbery simply because another crime had been committed against the robber? Or perhaps because the robber's son died in a car accident? Could not a lawyer argue that it is not right to jail a man for robbery when he already lost his son "which is punishment enough"? Surely this is a very dangerous and inappropriate line of reasoning. Each crime must be dealt with individually.

If a woman robs a bank and she is raped during the heist, would the court absolve her of the crime of robbery? The reality is that the Westerners and the hypocrites do not think of fornication as a crime like robbery, and this is why they are unable to see the parallel! But truly theft is a minor crime compared to adultery, and this is what the believers hold to be true. The problem is that the Westerners come from a nation of fornicators and adulterers, so they in their minds trivialize the crime of adultery. If a woman commits a crime, then she will

be punished for that crime; if a crime is done to her, then the men who did that crime will be punished. But one crime does not cancel out the other, nor do they have any relation to each other. Each will be dealt with separately and independently.

This is not an emotional matter which the judges can simply change because the ruling does not sit well with the people. This is rather a matter of Fiqh (jurisprudence): two crimes were alleged, and each was judged according to the law. The woman was found guilty for her crime because of her confession in court, and the men were not found guilty because of lack of evidence. (And we remind the reader that nobody can claim sexism since the Qatif woman's extramarital lover, a man, was also given the same sentence of lashing!)

Anonymous says

" You say that there was no evidence to convict the men with rape, but they were convicted of rape! Why else were they given jail-time! "

The men were not found guilty of Zinnah, but rather some of them had admitted to witnessing Zinnah. Therefore, the men were found guilty of engaging in dubious activities, but it was difficult to secure a rape conviction due to a lack of evidence and contradictory statements made by the accuser. When there is not enough evidence to secure a Hadd punishment, then Ta'zeer punishment can be meted out based on the level of involvement in a crime.

Furthermore, it should be noted that the *alleged* rapists were given a sentence of ten years imprisonment which is the average sentence given to *convicted* rapists in America and double what the average sentence is in many European countries such as England and Scotland! So why is it then that the Westerners are complaining that the *alleged* rapists were not punished severely enough when their *convicted* rapists routinely get less than that? Could it possibly be that they are dishonest in their intentions, and that they only seek to attack Islam under the guise of human rights? They claim to be human rights activists, but the truth is that they are crusaders who seek to destroy Islam.

Abeer Mishkhas of Arab News says

" To add to all of the above, we know that the girl's husband has supported her throughout her ordeal and this says volumes about who has the right to be upset about her meeting another man. "

In the Islamic Law (as well as in the Judeo-Christian tradition), there is no condition that adultery is not to be punished simply because the spouse forgives! Therefore, the opinion of the husband cannot ward off the punishment. To give another example, we do not ward off the penalty for rape just because the woman forgives the rapist. When someone breaches a law, then the state punishes the individual, not the aggrieved party. As such, the aggrieved party cannot ward off the penalty either.

In the West, some married couples have what is called an "open relationship" whereby they allow their spouses to sleep around with multiple partners. And yet, such people are to be punished by the law despite the fact that their acts have been "forgiven" by their spouse. Surely Allah Almighty is the one who forgives such crimes, not any human being. Once the case has been registered, then it must go to trial and litigated to its end.

Anonymous says

" She was not in khulwah when she was abducted, nor was she in some isolated place, but rather she was next to a public shopping mall where there were many people passing by...

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This is a lie. If they were in a public place where "many people [were] passing by", then how is it that she was abducted without people seeing that? By definition it must have been a secluded place, because she was hiding from her husband, nobody witnessed the incident, etc. In any case, there is no need for speculation because the Saudi ministry refuted this claim by declaring that the Qatif woman had been in a parked car "in a dark place where they stayed for a while".

Conclusion

The Qatif case is a Fiqhi (jurisprudential) matter, and the judges followed the letter of the law and there is no blame on them. The manner in which some people are attacking the judges is completely inappropriate, and it stems from the media which has waged an ideological war against Islam. Unfortunately many Muslims have fallen into the trap and they have parroted the accusations of the enemies of Islam. Indeed, these Muslims should realize that they are allying themselves with a people who seek to diminish the Islamic Law. We as Muslims should hold firm and think the best of the judges who were appointed to uphold the Shari'ah.

The Westerners imply that whipping and stoning are barbaric practices, yet we find the same punishments mentioned in their own holy book (i.e. the Bible)! And they seek to decriminalize fornication and adultery, even though their own holy book says to kill the one who does such things. And this is because they have a disease in their hearts by which they disbelieve in God's Laws even though they claim to be believers; and they come from a morally corrupt society like the people of Sodom which were destroyed by God. How could they uphold God's Laws which are in their own Bible when ninety-five percent of them have committed either fornication or adultery sometime in their lives? Is such a society capable of passing moral judgments on us Muslims? We Muslims are the moral ones, who abstain from sexual crimes and uphold God's Laws which are even in their own Christian books.

As for the woman accused of adultery and the men accused of rape, then it should be known that these are two separate issues that must be dealt with individually and independently. The woman confessed to the crime of having an illicit relationship and as such there is no question about her guilt. Even if we believe her story about retrieving a photograph, then this in itself is evidence of a crime: sending nude or semi-nude pictures is a crime in any God-fearing country. As for the alleged rape, then the woman failed to report the crime except after three months by which time all evidence had been lost. We have shown how even the Western authorities admit that it is nearly impossible to prove rape after seventy-two hours have passed. Therefore it is no surprise that after three months there was no evidence to convict the men with. The men cannot be hanged based on public sentiment alone. They cannot be hanged by the media, but rather they should be tried by the objective judiciary. The media, run by enemies of the Islamic Shari'ah, cannot be trusted with this case; the Western public views this incident in a highly emotional manner without knowing the facts, and they wish to lynch the men (i.e. mob justice).

The woman may have been raped, and if she was, then we know that Allah Almighty will punish the rapists in the next life. Allah Almighty knows all and sees all, and in the Court of the Lord each criminal will pay for his sin. But in the court of man, we can only judge men on the evidence which is apparent to us, and we cannot look inside the hearts like Allah. Therefore, if the men did rape the woman, then they have been given lenience only for a short time, and then Allah will deal with them. If, however, they were innocent, then Allah knows that too. We ask Allah to curse all rapists whoever and wherever they may be, the known and the hidden.

We close with these words:

Clearly, in many criminal events there are no clear-cut victims and criminals, quite often both sides are guilty. Saudi law clearly criminalises unchaperoned one-on-one contact, as a public safety measure, designed to prevent the occurrence of exactly this kind of situation. Saudi Arabia must be congratulated for their low crime rate. Scurrilous attacks on the judiciary such as the one committed by the alleged victim are deserving of punishment.

(Mike, Sacramento, USA; as posted on the BBC website)

The irony is that the Qatif case is being used to attack the Islamic Law. And yet, this incident only underscores the importance of the divinely inspired Shari'ah. Oftentimes the people ask why it is that Islam has such strict laws against women being alone in cars and secluded places with unrelated men. This is exactly the reason, so that such things do not happen. No woman deserves to be raped, and we do not say that any woman deserves it, nor is it a part of our faith to claim this. Yet, we say that women should remain vigilant and adhere to the Islamic Laws, refraining from dubious activities, and if they do this, then it is much less likely that they would ever place themselves in such a compromising position. Had the Qatif woman not engaged in sinful activities like sending illicit pictures of herself, and had she been one hundred percent loyal and honest to her husband, then she would never have been there on that day and none of this would have happened. And even if it had happened somehow, then she would not have feared going to the authorities and her rapists could have been punished severely. Instead, due to her betrayal, she placed herself in the jaws of evil, and she was unable to cry for help.

The entire Qatif incident is very unfortunate, and it is unclear the level of guilt or innocence of the woman and the alleged assailants. However, the judges did the best they could, given the scenario and the evidence presented to them. Either the involved Ulema will get one or two rewards for their Ijtihad. We seek refuge from those Taghoot who use this incident as a means to attack the sacred Shar'iah, as well as those whose only aim is to increase sectarian tension.

May Allah Almighty unite our hearts upon the path of Islam.

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